

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE LICENSES OF : STATE BOARD OF EXAMINERS
JAMES RUDOLPH ANDREWS : ORDER OF SUSPENSION
_____ : DOCKET NO: 308 - 06/95 - 88

At its meeting of June 15, 1995, the State Board of Examiners reviewed the information forwarded to the Board by the Hunterdon County Office of Criminal Case Management indicating that James Rudolph Andrews was convicted in August, 1992 on charges of forgery, tampering with or fabricating physical evidence and tampering with public records. He was sentenced to two (2) years' probation, 100 hours of community service and fined. Mr. Andrews holds Principal and Teacher of Social Studies licenses in the State of New Jersey.

At that meeting, the State Board of Examiners voted that said convictions constituted sufficient grounds for issuing an Order to Show Cause why his Principal and Teacher of Social Studies licenses should not be revoked or suspended. James Rudolph Andrews was served with said Order to Show Cause by regular and certified mail on or about July 11, 1995. Said Order provided that if James Rudolph Andrews desired to file an Answer to said Order, such answer must be filed within twenty (20) days. On August 2, 1995 an answer to the Order to Show Cause was received from Mr. Andrews.

Thereafter, two cases decided by the State Board of Examiners were appealed to the State Board of Education which affected the hearing process before the State Board of Examiners. The first was captioned In the Matter of the Certificate of Sheridan. The other was In the Matter of the Certificates of Vitola. Within those two cases the State Board of Education determined that the State Board of Examiners was required to amend its regulations in order to permit it to hear directly legal matters in which materials facts are not in dispute. During the process of codifying the new hearing procedure,

which was finalized in May of 1997, all hearings before the State Board of Examiners were held in abeyance.

On July 21, 1997, a hearing notice was mailed by regular and certified mail to Mr. Andrews pursuant to the new hearing procedures embodied in N.J.A.C. 6:11-3.6(a)1. Said notice explained that it appearing that no materials were in dispute, Mr. Andrews was being provided the opportunity to offer legal argument regarding his conviction on the issue of whether his convictions constituted conduct unbecoming a teacher. On July 28, 1997 a response to the hearing notice was received from Mr. Andrews.

Mr. Andrews' response to the hearing notice indicates he has no other information to submit, but refers the Board of Examiners to his response to the Order to Show Cause and the correspondence that he submitted from the New Jersey Real Estate Commission of July 27, 1995.

The Response to the Order to Show Cause, dated July 27, 1995 asks that his teaching licenses not be suspended or revoked. He avers that the information received from the Hunterdon County Office of Criminal Case Management does not show that the charges against him were the result of a motor vehicle violation. He explains that he was stopped in Hunterdon County for speeding and driving on the suspended list and was carrying his brother's license. He claims the arresting officer implied that since he had his brother's license in his possession, they must be forged documents and that he tampered with public records or fabricated physical evidence. He denies this was so but plea-bargained a probationary term.

Mr. Andrews claims that since his arrest, his probationary period was cut short because of good behavior, his driving record was cleared up and has been spotless since. He also claims the judge specifically found that there was no premeditated intent to do wrong. Additionally, Mr. Andrews submits

his educational credentials and reviews his work history. He attaches the reinstatement letter of his real estate license following his release from probation, dated September 13, 1993.

At its meeting of October 9, 1997 the State Board of Examiners reviewed the charges lodged against Mr. Andrew as well as the documentation filed in support of his responses to the hearing process. The State Board of Examiners determined that no material facts related to Mr. Andrews' offenses were in contest. While he provided additional information regarding the offense, he does not deny that the conviction occurred. Moreover while he submitted information concerning his post conviction conduct, Mr. Andrews had been advised in the hearing notice the State Board of Examiners does not consider evidence of rehabilitation when it considers whether an individual's actions constitute conduct unbecoming a license holder. In the Matter of the Teaching Certificate of James Noll, OAL Dkt. No. EDE 2725-89 (State Board of Examiners Decision, February 7, 1990). Accordingly, the matter could, therefore, proceed to a determination as to whether the charges levied against Mr. Andrews in the Order to Show Cause constitute conduct unbecoming a license holder pursuant to N.J.A.C. 6:11-3.6(a)1.

School law cases have traditionally recognized the right of the State Board of Examiners to revoke licenses where the teacher was involved in criminal activities, even if said activities were not related to the classroom, see Cox v. State Board of Examiners (App. Div. Docket No. A-3527-81T3) (November 18, 1993); State Board of Examiners v. Krupp, 3 N.J.A.R. 285 (1981). In this case, Mr. Andrews has been found guilty of crimes of dishonesty. The Commissioner has determined in the past that such guilty pleas involving dishonesty do constitute conduct unbecoming a teaching staff member sufficient to warrant dismissal. See, e.g., In the Matter of the Tenure Hearing of Emil J. Guasconi, School of the Town of West New York Hudson County, 1977 S.L.D 513. It is the conclusion of the State Board of Examiners that the offenses to which Mr. Andrews herein pled guilty reflect discredit upon his professional stature and that such offenses represent conduct unbecoming a license holder.

In light of its finding that Mr. Andrews' conduct was unbecoming a teacher, the Board further determines that the appropriate penalty for his unbecoming conduct is the suspension of his teaching licensure for a period of four months, said period of suspension to run from October 9, 1997.

It is, therefore, ORDERED that James Rudolph Andrews' New Jersey Principal and Teacher of Social Studies licenses are hereby suspended on this 9th day of October, 1997, until February 7, 1998.

It is further ordered that James Rudolph Andrew return his licenses to the Secretary of the State Board of Examiners, Office of Licensing, P.O. Box 500, Trenton, NJ 08625-0500 within fourteen (14) days of receipt of this letter for the period of the suspension.

Secretary
New Jersey State Board of Examiners

Date of Mailing: November 19, 1997

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

IBG:KHK:br:Andrewsrv